

Michigan Supreme Court
State Court Administrative Office
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John D. Ferry, Jr., State Court Administrator

Memorandum

To: Chief Judges
cc: Court Administrators, Juvenile Registers and Clerks

From: John D. Ferry, Jr.

Date: September 27, 2002

Re: New Public Acts Effective October 1

On October 1, 2002, several new public acts become effective, some with changes impacting courts. The purpose of this memorandum is to inform or remind you of these changes.

Most of the newly effective public acts with court impact concern some aspect of domestic violence or criminal procedure. Discussions below are organized by topical category.

Fingerprinting, Criminal History Reporting, and PPOs/FPOs

2001 PA 203 and 204 add statutory reference to criminal contempt for violation of a personal protection order (PPO) or foreign protection order (FPO) in the following ways:

- Law enforcement is now required to fingerprint those arrested for these violations [MCL 28.243(1),(2)];
- Court clerks are now required to report dispositions of such charges to the Michigan State Police (MSP) [MCL 769.16a];
- MSP must collect and file criminal history information on those convicted of these violations [MCL 28.242].

2001 PA 203 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2001-PA-0203.pdf>

2001 PA 204 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2001-PA-0204.pdf>

Setting Aside Convictions

Pursuant to 2002 PA 472, when an individual submits a copy of his or her application for setting aside a conviction to the Michigan State Police, the submission must now be accompanied by a \$50.00 (rather than \$25.00) payment. [MCL 780.621(6)]

2002 PA 472 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2002-PA-0472.pdf>

Sex Offender Registration

2002 PA 542 requires individuals registered under the Sex Offenders Registration Act to report his or her status to local law enforcement if the individual has any one of several delineated connections with an institution of higher learning.

2002 PA 542 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2002-PA-0542.pdf>

Friend of the Court Bureau Domestic Violence Training

2001 PA 193 requires the Friend of the Court Bureau, as part of its training programs for friends of the court, domestic relations mediators, and friend of the court employees, to provide training on the dynamics of domestic violence and on handling domestic relations matters that have a history of domestic violence. [MCL 552.519]

2001 PA 193 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2001-PA-0193.pdf>

Driver Licensing

2002 PA 422 makes several changes in relation to driver licensing, most centrally with respect to individuals making, or attempting to make, certain types of false crime reports. This act accomplishes the following:

- The Secretary of State may now deny issuance of an operator's license to an individual either:
 - until the individual is 17 if the individual is convicted or found responsible for violating MCL 750.411a(2), which prohibits threatening to violate, or knowingly making a false report of a violation or attempted violation of, various explosives-related crimes, or
 - if the individual is under 21, until three years after a *school-related* violation or attempted violation of MCL 750.411a(2). [MCL 257.303]
- The Secretary of State shall suspend the license of an individual who is 14 years of age, or older but under 21, if the individual is convicted or found responsible for a *school-related* violation or attempted violation of MCL 750.411a(2). [MCL 257.319]
- The clerk of the court shall now forward an abstract to the Secretary of State upon an individual's conviction for violating any of the following:
 - MCL 750.411a(2);
 - MCL 257.1857, which requires the driver of a school bus to stop before crossing a railroad track at grade;
 - Provisions of the federal motor carrier safety regulations adopted by reference at MCL 480.11a and MCL 474.131. [MCL 257.732]

2002 PA 422 may be reviewed at:

<http://www.michiganlegislature.org/documents/2001-2002/publicact/pdf/2002-PA-0422.pdf>

Implementation Steps

The Supreme Court and SCAO have taken several steps toward implementation of these and related public acts:

- More information on the changes to fingerprinting and criminal history reporting created by 2001 PA 203 and PA 204 is available in State Court Administrative Office Administrative Memorandum 2002-01, which may be accessed at: <http://courts.michigan.gov/scao/resources/other/scaoadm/2002/2002.01.pdf> .
- Several of the acts above were part of a multi-act domestic violence legislative package. The SCAO informational document on this package, “Domestic Violence Legislative Package: Court Issues,” may be accessed at: <http://courts.michigan.gov/scao/resources/other/dv-leg-upd.pdf> .
- The Supreme Court has recently adopted several court rule amendments in response to some of the changes made by the domestic violence legislative package. The rule amendments concern PPOs/FPOs, certain friend of the court matters, and specific conditions for sealing court records. The Supreme Court’s order and the rule amendments may be accessed at: <http://courts.michigan.gov/supremecourt/Resources/Administrative/2002-17-091102.pdf>
- The SCAO has amended several court forms to comply with changes brought on by the domestic violence legislative package. These recent revisions may be accessed at: <http://courts.michigan.gov/scao/courtforms/index.htm#revise> .
- The Michigan Judicial Institute is implementing the new domestic violence training requirements for the Friend of the Court Bureau established by 2001 PA 193.

Questions or Comments

Questions or comments on the public acts discussed may be directed to either George Strander at 517-373-4845 or strander@courts.mi.gov , or Sandi Hartnell at 517-373-0122 or hartnells@courts.mi.gov.